

1 JEFFREY S. BUCHOLTZ
Acting Assistant Attorney General
2 SCOTT N. SCHOOLS
United States Attorney
3 CARL J. NICHOLS
Deputy Assistant Attorney General
4 JOSEPH H. HUNT
Director, Federal Programs Branch
5 VINCENT M. GARVEY
Deputy Director, Federal Programs Branch
6 MICHAEL P. ABATE
Trial Attorney
7 michael.abate@usdoj.gov
U.S. Department of Justice
8 Civil Division, Federal Programs Branch
20 Massachusetts Avenue, NW
9 Washington, DC 20001
Phone: (202) 616-8209
10 Fax: (202) 616-8470

11 *Attorneys for the United States of America*

12 [Counsel for Plaintiffs and Defendant listed on next page]

13 UNITED STATES DISTRICT COURT
14 NORTHERN DISTRICT OF CALIFORNIA
San Jose Division

15 BINYAM MOHAMED;
16 ABOU ELKASSIM BRITEL;
17 AHMED AGIZA;
18 MOHAMED FARAG AHMAD
19 BASHMILAH;
20 BISHER AL-RAWI

21 Plaintiffs,

22 v.

23 JEPPESEN DATAPLAN, INC.

24 Defendant.

Case No. C-07-02798-JW

25 STIPULATION AND [PROPOSED]
26 ORDER RE: BRIEFING SCHEDULE ON
27 MOTION TO INTERVENE AND
28 MOTION TO DISMISS

Judge: Hon. James Ware
Hearing Date: February 4, 2008
Hearing Time: 9:00 AM
Courtroom: 8, 4th Floor

27 Stipulation and [Proposed] Order Re: Briefing Schedule on
28 Motion to Intervene and Motion to Dismiss,
Case No. C-07-02798-JW

1 STEVEN M. WATT (*pro hac vice*)
2 swatt@aclu.org
3 BEN WIZNER (SBN 215724)
4 bwizner@aclu.org
5 AMERICAN CIVIL LIBERTIES
6 UNION FOUNDATION
7 125 Broad Street, 18th Floor
8 New York, NY 10014
9 Phone: (212) 549-2500
10 Fax: (212) 549-2651

11 *Attorneys for Plaintiffs*

12 ANN BRICK (SBN 65296)
13 abrick@aclunc.org
14 ACLU FOUNDATION OF
15 NORTHERN CALIFORNIA
16 39 Drumm Street
17 San Francisco, CA 94111
18 Phone: (415) 621-2493
19 Fax: (415) 255-1478

20 *Attorneys for Plaintiffs*

21 HENRY WEISSMANN (SBN 132418)
22 Henry.Weissmann@mto.com
23 DANIEL P. COLLINS (SBN 139164)
24 Daniel.Collins@mto.com
25 JOSEPH S. Klapach (SBN 206345)
26 Joseph.Klapach@mto.com
27 MUNGER, TOLLES & OLSON LLP
28 355 South Grand Avenue, 35th Floor
Los Angeles, CA 90071-1560
Phone: (213) 683-9100
Fax: (213) 687-3702

Attorneys for Defendant

JEPPESEN DATAPLAN, INC.

Stipulation and [Proposed] Order Re: Briefing Schedule on
Motion to Intervene and Motion to Dismiss,
Case No. C-07-02798-JW

1 **STIPULATION AND PROPOSED ORDER**

2 WHEREAS on October 19, 2007, the United States filed a Motion to Intervene, and a
3 separate Motion to Dismiss, or in the Alternative, for Summary Judgment, in this action, both of
4 which currently are scheduled for argument on February 4, 2008;

5 WHEREAS on October 19, 2007, the United States submitted a formal assertion of the
6 military and state secrets privilege, as well as a statutory privilege under the National Security
7 Act, in this action;

8 WHEREAS undersigned counsel for Defendant Jeppesen Dataplan, Inc. has indicated
9 that Jeppesen does not oppose the United States' Motion to Intervene;

10 WHEREAS the Commentary to Local R. 7-2 states that, "[f]or complex motions, parties
11 are encouraged to stipulate to or seek a Court order establishing a longer notice period with
12 correspondingly longer periods for response or reply"; and

13 WHEREAS the parties respectfully submit that the proposed schedule set forth below
14 will enable them to fully and fairly brief the issues raised by the United States' Motion to
15 Intervene and separate Motion to Dismiss or, in the Alternative, for Summary Judgment in
16 advance of the February 4, 2008 hearing;

17 NOW THEREFORE, Plaintiffs, Defendant, and the United States, through their
18 undersigned counsel, hereby stipulate and request that the Court make this stipulation an order of
19 the Court:

20 1. Plaintiffs shall file their response to the Motions to Intervene and to Dismiss, or,
21 in the Alternative, for Summary Judgment by the United States on or before December 14, 2007;
22 the United States shall file its reply in support of these motions on or before January 18, 2008;
23 and the hearing on these motions shall be February 4, 2008, and 9:00 a.m., or at such time
24 thereafter as is convenient for the Court.

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3 Dated: October 31, 2007

UNITED STATES DEPARTMENT OF JUSTICE

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5 By: Michael P. Abate

Michael P. Abate

6 Attorneys for United States of America

7
8 Dated: October 30, 2007

AMERICAN CIVIL LIBERTIES UNION FOUNDATION

9
10 By: Steven M. Watt

Steven M. Watt

11 Attorneys for Plaintiffs

12
13 Dated: October 31, 2007

MUNGER, TOLLES & OLSEN LLP

14
15 By: Daniel P. Collins

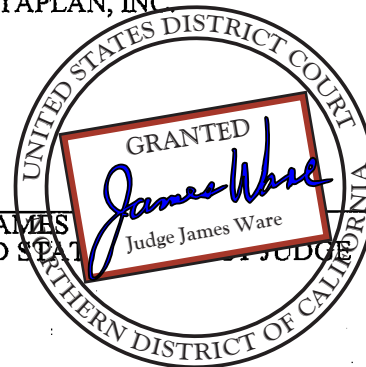
Daniel P. Collins

16 Attorneys for Defendant
17 JEPPESEN DATAPLAN, INC.

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19 IT IS SO ORDERED.

20 Dated: November 2, 2007

21
22 HON. JAMES
23 UNITED STATES



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Case No. C-07-02798-JW

CERTIFICATE OF SERVICE

I hereby certify that the foregoing STIPULATION AND [PROPOSED] ORDER RE: BRIEFING SCHEDULE ON MOTION TO INTERVENE AND MOTION TO DISMISS will be served by means of the Court's CM/ECF system, which will send notifications of such filing to the following:

American Civil Liberties Union
Foundation of Northern California Inc.
Ann Brick
39 Drumm Street
San Francisco, CA 94111

American Civil Liberties Union
Jameel Jaffer
Steven R Shapiro
Steven M. Watt
Benjamin Elihu Wizner
125 Broad Street
18th Floor
New York, NY 10004

International Human Rights Clinic
Washington Square Legal Services, Inc
Margaret L. Satterthwaite
NYU School of Law
245 Sullivan Street
New York, NY 10012

Joseph Scott Klapach
Attorney at Law
355 S. Grand Ave., #3500
Los Angeles, CA 90071-1560

Munger Tolles & Olson
Daniel Paul Collins
Henry Weissman
355 So Grand Ave Ste 3500
Los Angeles, CA 90071-1560

National Litigation Project-Allard K. Lowenstein
International Human Rights Clinic
Hope R Metcalf
Yale Law School
127 Wall Street
New Haven, CT 06520

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Motion to Intervene and Motion to Dismiss,
Case No. C-07-02798-JW

1 Reprieve
Zachary Philip Katznelson
2 Clive Stafford Smith
PO Box 52742
3 London, England, UK EC4P 4WS

4 /s/ Michael P. Abate
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